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APPENDIX

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1972

No. 72-822

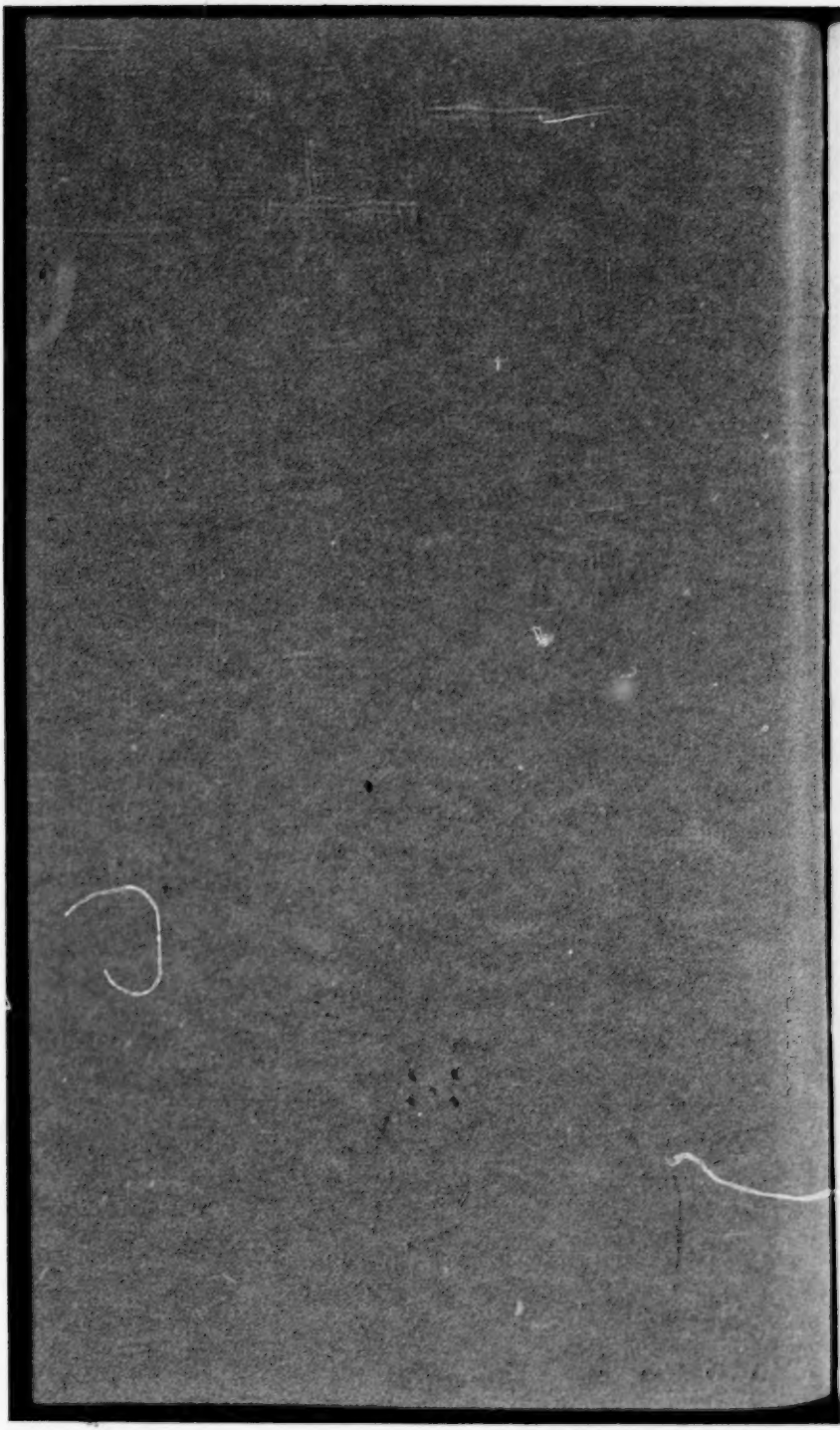
MARY LOUISE GREER PASCHALL, ET AL.,
Appellants,

VERSUS

CHRISTIE-STEWART, INC., ET AL.

APPEAL FROM THE SUPREME COURT OF THE
STATE OF OKLAHOMA

FILED DECEMBER 26, 1972
PROBABLE JURISDICTION NOTED APRIL 2, 1973



In the
Supreme Court of the United States
OCTOBER TERM, 1972

No. 72-922

MARY LOUISE GREEN PASCHALL, JAN PASCHAL HARDEN, JOHN N. PASCHALL, JR., THE FOURTH NATIONAL BANK AND TRUST COMPANY OF TULSA, OKLAHOMA, as Executor of the Estate of H. Grady Ross, Deceased, and ZELDA DANNA PASCHALL,
Appellants,

VERSUS

CHRISTIE-STEWART, INC., a corporation, R. W. GARRETT and R. H. VAUGHN,
Appellees.

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF OKLAHOMA

APPEAL FILED DECEMBER 26, 1972
PROBABLE JURISDICTION NOTED APRIL 2, 1973

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DOCKET ENTRIES

Supreme Court

Dec. 2, 1969	Ck. on Founders Natl. of Okla. City, # 1772/Andrews, Mosburg & Asso. — $50.00
Dec. 2, 1969	To filing Petition in Error
Dec. 2, 1969	Issue Cert. of Appeal
Dec. 10, 1969	Petrs. Notice of filing of Pet. in Error, etc.
Feb. 5, 1970	Court Clerk's Notice of Completion of Record
Apr. 2, 1970	Pltffs. appl. for Ext. of time to Brief; Cert. of Service
Apr. 7, 1970	JE: Plaintiffs to 4-17-70 to brief, notice to attys
Apr. 15, 1970	Plaintiffs Brief & Cert. of Service
May 8, 1970	Defdts (Garrett & Vaughn) appl. for Ext. of time to Brief; Cert. of Service
May 12, 1970	JE: Defendants to 6-15-70 to brief, notice to attys.
June 23, 1970	Defdts. Brief Leave to file, Irwin, C.J.; Cert. of Service
July 6, 1970	Pltffs. Appl. for Ext of time to Brief; Cert. of Service
July 7, 1970	JE: Pltffs 7-15-70 to Brief; Notice to attys.
July 15, 1970	Plaintiffs Reply Brief; Cert. of Service
Nov. 10, 1970	Original Record (one (1) Bd. Legal Length Vol. of 74 Pp.)
Nov. 10, 1970	Transcript (one (1) Bd. Vol. of 22 Pp.)

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Nov. 12, 1971 (JE: Order Berry, C.J.—assigned to Court of Appeals, Div. #2; copies to attys Court of Appeals

Nov. 18, 1971 (Pltffs. Motion for Recall & Retention, etc. (Copies to Attys & COA #2

Dec. 6, 1971 (JE: Opinion — Affirmed as Modified — (Brightmire, P.J. Copies to: Andrews, (Mosburg & Assoc.—Highley & Highley (—Richard J. Roberts—Geo. Verity, Jr. (—F. H. Williams, Jr.—Judge Howell & (Mandate

Dec. 16, 1971 Defdts. Petition for Rehearing: Cert. of Service

Dec. 20, 1971 (JE: Order, Berry, C.J.: denying pltffs. mo. (for recall & retention as untimely filed, (etc.: copies to attys.

Dec. 22, 1971 (J.E.: Order, Brightmire, P. J. directing (pltff to respond Defdts. Brief in Support (of Pet. for Rehearing by Jan. 10, 1972, (etc., copies to attys.

Jan. 7, 1972 (Pltffs: Response to Pet. for Rehearing & (Brief in Support; Cert. of Service

Feb. 2, 1972 (J.E.: Order Brightmire, P. J.: Denying (Defdts. Pet. for Rehearing; Copies to (attys.

Feb. 7, 1972 Defdts. Petition for Certiorari: Cert. of Service

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Sept. 26, 1972 (JE: Opinion—Certiorari Granted; Judgment of the Appellate Court Reversed; Judgment of the Trial Court Affirmed—Jackson, J. Copies to Joe S. Rolston, III —Andrews, Mosburg & Asso.—Highley & Highley—George Verity, Jr.,—T. H. Williams, Jr.—West—CCH

Oct. 19, 1972 JE: Berry C.J., Order directing Clerk to issue Mandate.

Oct. 19, 1972 Mandate issued.

Oct. 25, 1972 Appellants Mo. to Stay Mandate, etc.; Cert. of Service

Oct. 27, 1972 Receipt for Mandate

Nov. 1, 1972 (Motion of 4th Natl. Bk. of Tulsa to Substitute Party Defendant, Leave to file, Berry C.J; Cert. of Service

Nov. 20, 1972 (JE: Order, Wm. A. Berry, C.J. Appellants Mo. to Stay the Mandate Denied etc.: Motion for Revivor Denied without Prejudice, etc.; Copies to attys.

Dec. 8, 1972 (Appellants Notice of Appeal to the Supreme Court of the U.S. Cert. of Service

Apr. 6, 1973 (Certified copy of probable Jurisdiction from the U.S. Supreme Court.

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

CHRISTIE-STEWART, INC., a corporation, Plaintiff, vs. WALTER B. PASCHALL, JR., and JOHN N. PASCHALL; The following named individuals, if living, or if deceased their unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, to-wit: MARY A. GALE, MARY MILLS, H. A. GASSAWAY, A. M. WHITESIDE, JANE WARD BOWER, J. M. HEALEY, J. O. WHITESIDE, H. GRADY ROSS, M. A. NYE, J. L. EMERICK, G. E. BEAN, MRS. PEARL BEAN, BESSIE D. KIKER, C. G. GALE and MAMIE K. JACKSON: and THE AMERICAN INVESTMENT COMPANY, a corporation, if in existence, or if dissolved, its unknown successors, trustees and assigns, Defendants.	)	NO. 29092

PETITION

COME NOW the Plaintiff, Christie-Stewart, Inc., and for its cause of action against the Defendants herein and each of them alleges and states:

1. That this action involves title to the following described real estate located in Seminole County, State of Oklahoma, to-wit:

The Southwest Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 7 East;

that such real estate is owned as follows:

R. W. Garrett — 1/2

R. H. Vaughn — 1/2

2. That the title of R. W. Garrett and R. H. Vaughn is, however, subject to and burdened by an Oil and Gas Lease in favor of the Plaintiff, Christie-Stewart, Inc., which plaintiff company is in possession of such lease, which oil and gas lease appears of record in Seminole County, Oklahoma, and creates in the Plaintiff, as lessee, a 7/8ths working interest oil and gas leasehold estate, all in accord with the terms of said oil and gas lease.

3. That the above-named Defendants are each claiming some right, title, lien, estate, encumbrance, claim, assessment or interest in and to the above-described real estate contrary to the title of the Plaintiffs as hereinbefore set out, which claims constitute a cloud upon the title of the Plaintiffs. That said Defendants have no right, title, lien, estate, encumbrance, claim, assessment or interest either at law or in equity in and to said real property. That the exact claims asserted by said Defendants are unknown to this Plaintiff but that Plaintiff is entitled to have said Defendants and each of them come forward and assert the exact nature of their claim and Plaintiff is further entitled to have said claims adjudicated inferior to the right, title and interest of the Plaintiff and the cloud thereof removed, and is further entitled to have said Defendants and each of them restrained, enjoined and estopped from further asserting any claim of any right, title, lien, estate, encumbrance, claim, assessment or interest in and to said property adverse to the title of said Plaintiff.

WHEREFORE, Plaintiff prays that it have judgment against the Defendants and each of them as follows:

1. Requiring the Defendants and each of them to come forward and state the exact nature of any right, title, lien, estate, encumbrance, claim, assessment or interest which they hold or assert in and to the above described real estate; adjudicating the cloud created by any such claims to be subject and inferior to the title of the Plaintiff; removing such cloud from Plaintiff's title as above described; and enjoining and estopping the Defendants and each of them from asserting or making any claim of any nature contrary to the title of the Plaintiff.
2. Granting to the Plaintiff any and all other and further relief to which it may be justly entitled.

BROWN, VERITY & BROWN

By /s/ Geo. L. Verity
Geo. L. Verity

Attorneys for Plaintiff
2220 First Natl. Building
Oklahoma City, Oklahoma

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

[Title Omitted in Printing]

AMENDMENT TO PETITION

COMES NOW the Plaintiff, Christie-Stewart, Inc., a corporation, and for amendment to its Petition makes the following additional allegation in addition to all of those set out in its original Petition on file herein, to-wit:

(a) Plaintiff deraigns its title as follows: The United States Government set all of the land aside to the Seminole Tribe of Indians who issued a surplus allotment patent to Sendley Mills, a Seminole freedman. The tract descended from him to individuals who failed to pay the taxes thereon. Whereupon Seminole County, on the 17th day of May, 1956, issued a County Treasurer's Resale Tax Deed to R. W. Garrett and R. H. Vaughn. Said grantees issued the oil and gas lease marked Exhibit "A", attached hereto and made a part hereof, to Christie-Stewart Drilling Company, which lessee assigned said lease to the Plaintiff.

(b) The Plaintiff is in actual occupancy of the land described in its Petition by being in actual possession of its oil and gas lease and actually occupying a portion of such land in operating said lease and, further, by the occupancy of their lessors, R. W. Garrett and R. H. Vaughn, who have been in actual, open, notorious, peaceable and adverse possession of all of the lands described in Plaintiff's Petition since the date of the County Treasurer's Resale Tax Deed described in the foregoing paragraph. That since the 7th day of June, 1956, the occupancy of said owners has been by and through their tenants, Esther Campbell and Oscar Campbell, who have since said date been living upon said land, farming and grazing the same, all of which is enclosed with a fence.

(c) That G. C. Gale and Mary Gale own no right, title and interest in and to the tract described in said Petition and that the above named owners hold title to themselves to the exclusion of all others except this Plaintiff, the owner of the above referred to oil and gas lease, and the above named tenants.

WHEREFORE, Plaintiff prays judgment as set out in its original Petition to which this amendment forms an addition.

BROWN, VERITY & BROWN

By /s/ G.L.V.
Geo. L. Verity

ATTORNEYS FOR PLAINTIFF

[Certificate of Mailing Omitted in Printing]

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

[Title Omitted in Printing]

ANSWER

Now comes the defendant H. Grady Ross and respectfully states as follows:

1. That this defendant acquired an undivided 1/16 mineral interest in and to the Southwest Quarter of the Northwest Quarter (SW/4 NW/4) of Section 29-9N-7E, Seminole County, Oklahoma, by Mineral Grant dated July 8, 1926, from The American Investment Company, a true copy of which Mineral Grant is hereto attached, made a part hereof and for identification marked Exhibit A.

2. That upon the execution and delivery of said Mineral Grant, a division or separation of the mineral rights as to said 1/16 interest and the surface rights in and to said 40 acres occurred; that defendant's title to said mineral interest has been continuous and defendant has been in the undisputed possession and ownership of said mineral interest since the date of said mineral deed; that this defendant has from time to time exercised his right and ownership of

said mineral interest by the execution and delivery of oil and gas leases from time to time covering said interest to various persons or corporations prospecting for oil and gas on said premises.

3. That the execution and delivery of the Resale Tax Deed by the County Treasurer of Seminole County in 1956 conveyed no right, title or interest to said grantees, R. W. Garrett and R. H. Vaughn in and to the 1/16 mineral interest as above described owned by this defendant, and that said R. W. Garrett and R. H. Vaughn own no right, title or interest in and to said mineral interest by reason of said tax deed or otherwise.

WHEREFORE, this defendant, H. Grady Ross, prays upon final hearing that his title to said 1/16 mineral interest in and to said 40 acres of land be quieted.

H. Grady Ross, defendant

[Certificate of Mailing Omitted in Printing]

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

[Title Omitted in Printing]

ANSWER

Now come the defendants Walter B. Paschall, Jr., and John N. Paschall, and for answer to plaintiff's petition filed herein state as follows:

1. That defendants Walter B. Paschall, Jr., and John N. Paschall, deny each, all and singular the allegations set forth in said petition except as hereinafter specifically admitted.

2. That defendants Walter B. Paschall, Jr., and John N. Paschall, are the owners of 7/8 of all mineral rights in

and under the Southwest Quarter of the Northwest Quarter (SW/4 NW/4) of Section 29, Township 9 North, Range 7 East, Seminole County, Oklahoma.

Walter B. Paschall, Jr.,
and
John N. Paschall, Defendants

By
H. Grady Ross,
Their Attorney

[Certificate of Mailing Omitted in Printing]

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

[Title Omitted in Printing]

AMENDED ANSWER AND CROSS PETITION

Now come Walter B. Paschall, Jr., John N. Paschall and H. Grady Ross, and for further answer to plaintiff's Petition deny each, all and singular the allegations therein set forth except such as are hereinafter specifically admitted.

CROSS PETITION

That the Tax Deed relied on by R. W. Garrett and R. H. Vaughn, a copy of which is attached hereto and made a part hereof, is void and should be set aside and held for naught for the reason that defendants Walter B. Paschall, Jr., John N. Paschall and H. Grady Ross, owned an undivided mineral interest in and to said SW/4 NW/4 of Section 29, Township 9 North, Range 7 East, Seminole County, Oklahoma, and no notice was served on said mineral interest owners before or after the acquisition of said Tax Deed.

WHEREFORE, defendants pray that said Tax Deed be cancelled, set aside and held for naught.

WALTER B. PASCHALL, JR.,
JOHN N. PASCHALL and
H. GRADY ROSS

By /s/ H. Grady Ross
H. Grady Ross, Attorney

Filed March 9, 1965

[Certificate of Mailing Omitted in Printing]

[Exhibit A]

No. 3543 COUNTY TREASURER'S RESALE DEED
INSTRUMENT (INDIVIDUAL)
BOOK 890 PAGE 577 FILED: June 6, 1956 at 1 P.M.

WHEREAS, WELDON P. BILLINGSLEY, County Treasurer of Seminole County, State of Oklahoma, on the 14 day of May, 1956 sold separately and singly, in the manner provided by law, at tax resale and R. W. Garrett & R. H. Vaughn bid in for themselves the real estate hereinafter described; and

WHEREAS, all proceedings, notices and duties provided, required and imposed by law prerequisite to the vesting of authority in said County Treasurer to execute this resale deed have been followed given complied with and performed, and

WHEREAS, the said WELDON P. BILLINGSLEY, County Treasurer, is now by law vested with the power and authority to execute this resale deed.

NOW, THEREFORE, this indenture, made this 17 day of May, 1956, between the State of Oklahoma, by WELDON

P. BILLINGSLEY, the Treasurer of Seminole County, of the first part, and R. W. Garrett & R. H. Vaughn, of the Second part, witnesseth that the said party of the first part for and in consideration of the premises and the total sum paid, to-wit:

Nine Hundred Twenty Eight & 07/100 DOLLARS ($928.07), hath granted, bargained and sold, and by these presents doth grant, bargain, sell and convey to the said party of the second part, his (or her) heirs, executors, administrators and assigns, forever, the following separately described tracts, parcels, or lots of land so sold separately and singly for the amount bid in the total sum set opposite each, all of said tracts, parcels, or lots of land being located in SEMINOLE COUNTY, OKLAHOMA, TO-WIT:

DESCRIPTION	CITY, TOWN OR TOWNSHIP	SUBDIVISION SEC OR LOT	TWP. OR BLK	RNG	AMOUNT (BID ON EACH)
Brothers	Lima	10	3		$ .25
"	"	11	3		.25
"	"	12	3		.25
2/9 Int. S/2 SE	Redmound	15	10	8	27.62
½ int Lot 2 or NW NE	Lincoln	5	9	7	63.00
SW NW	Lincoln	29	9	7	700.00
Beg. 130′ N SE cor NW NE th 210′ W x N 120′ x E 210′ x S 120′ to beg.	Wolf	10	8	6	43.04
1/12 int NE SE & SW SE	Wolf	26	8	6	49.00
Carr City	Wolf	13 to 18 Inc.	5		11.00
"	"	8 to 11 Inc.	5		1.54
"	"	1 to 12 Inc.	8		23.00
1/24 int in NE NW	Econ	11	9	6	4.11
1/24 int in NE NW	"	11	9	6	5.01
TOTAL					$928.07

TO HAVE AND TO HOLD said tracts and parcels of land with the appurtenances thereto belonging to said party of the second part, his (or her) heirs, executors, administrators and assigns, forever, in as full and ample manner as the said Treasurer of said County is empowered by law to sell the same.

IN TESTIMONY WHEREOF, THE WELDON P. BILLINGLEY Treasurer of said County of SEMINOLE, State of Oklahoma, has hereunto set his hand and seal the day and year aforesaid.

$1.10 Revenue Stamps Cancelled.

ATTEST: STATE OF OKLAHOMA
(SEAL) BY: WELDON P. BILLINGSLEY
R. B. GUNN COUNTY TREASURER

R. B. GUNN, County Clerk (Typed)

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS.
SEMINOLE COUNTY)

Before me, the undersigned, a Notary Public, within and for the above named County and State, on this 17 day of May, 1956, personally appeared WELDON P. BILLINGSLEY to me known to be the County Treasurer of Seminole County, Oklahoma, and the identical person who executed the within and foregoing instrument and conveyance of land, and acknowledged to me that he executed the same in his capacity as County Treasurer of Seminole County, Oklahoma, as his free and voluntary act and deed as such and as the free and voluntary act and deed of Seminole County, and the State of Oklahoma, for the uses and purposes therein set forth.

WITNESS my hand and notarial seal the day and year above written.

[Notary Hand and Seal Omitted in Printing]

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

[Title Omitted in Printing]

ENTRY OF APPEARANCE
AND ANSWER TO CROSS PETITION

Comes now R. W. Garrett and R. H. Vaughn and hereby acknowledges receipt of a copy of Cross Petition, filed in this case by Walter B. Paschall, Jr., John N. Paschall and H. Grady Ross, and waives the issuance and services upon them of summons herein.

Said defendants herewith enter a general appearance in this case and for answer to the Cross Petition filed herein, allege and state:

That R. W. Garrett and R. H. Vaughn deny each and every allegation contained in the said Cross Petition, except such as may be hereinafter admitted.

Defendants admit that they claim an interest in the property described in said Cross Petition and state that they are the owners in fee simple of said property, subject however, to an oil and gas lease entered into on the 6th day of November, 1963, by and between R. W. Garrett and his wife, Aline Garrett and R. H. Vaughn and his wife, Georgia Vaughn, of the first part; and Christie-Stewart Drilling Company, of the second part.

The interest claimed herein is by virtue of a Resale Tax Deed recorded in Book 890 at Page 577 in the office of the county clerk of Seminole County, Oklahoma.

Defendants further state that they are in possession of said premises, and have been in the open, notorious, continuous, lawful possession of said premises for more than five (5) years next preceding the filing of said Cross Petition.

WHEREFORE, R. W. Garrett and R. H. Vaughn pray that the Cross Petition be dismissed and nothing be taken therefrom and further pray for their costs herein expended.

R. W. Garrett and
R. H. Vaughn

/s/ By R. H. Vaughn
R. H. Vaughn, Attorney

Filed April 4, 1965

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

[Title Omitted in Printing]

AMENDED ANSWER

Come now the defendants H. Grady Gross, Walter B. Paschall, Jr., and John N. Paschall, and for answer to the petition of the plaintiff as amended and for reply to the answer of defendants R. W. Garrett and R. H. Vaughn, deny generally and specifically each and every material allegation therein contained except only such matters as are hereinafter specifically admitted.

Further answering, these defendants admit that they claim a 15/16 mineral interest in said lands and premises described as the Southwest Quarter of the Northwest Quarter (SW/4 NW/4) of Section 29, Township 9 North, Range 7 East, in Seminole County, Oklahoma, by virtue of a mineral grant dated July 8, 1926, from The American Investment Company, a corporation, and recorded in Book 268 at page 235 in the Office of the County Clerk of Seminole County, Oklahoma, and a deed from The American Investment Company to Walter B. Paschall, the father of defend-

ant Walter B. Paschall, Jr., and John N. Paschall, dated October 10, 1930, and recorded December 12, 1932, in Book ___, Page ___ in the Office of the County Clerk of Seminole County, Oklahoma; that Walter B. Paschall is now deceased and said Walter B. Paschall, Jr., and John N. Paschall are his sole and only heirs; that they have had constructive possession of such mineral interest from the date of said deeds and are now the owners of said 15/16 mineral interest.

Further answering, these defendants state that the alleged Resale Tax Deed under which R. W. Garrett and R. H. Vaughn purport to claim is void and of no force or effect for the following reasons:

1. That no proper notice of sale was given as required by law.

2. That said property was not sold for two-thirds of the assessed value for the current fiscal year when sold nor the full amount of taxes, interest, penalties and costs due on said property.

3. That no proper return of said purported sale was made as required by law.

4. That the County Treasurer was without authority to execute and deliver the alleged Resale Tax Deed sued on and upon which R. W. Garrett and R. H. Vaughn rely and same is void and of no effect.

5. These defendants further allege and state that the mineral interest owned by these defendants was deeded and separated as an estate separate from the land taxes and not subject to taxation, and the original purported sale upon which the alleged resale was based was void and without effect as to the interests of these defendants, in that the same was sold without the knowledge of these defendants and for taxes for which their separate estates were not liable; that these defendants had no knowledge

of the original sale and the interest owned by these defendants was not divested by the original sale, otherwise these defendants would be deprived of their Constitutional rights without due process of law.

WHEREFORE, these defendants pray that plaintiff and defendants R. W. Garrett and R. H. Vaughn take nothing as against these defendants and that their title be quieted as against the said R. W. Garrett and R. H. Vaughn and all persons claiming under them, and for costs and all proper relief.

WALTER B. PASCHALL, JR.,
JOHN N. PASCHALL and
H. GRADY ROSS

/s/ By H. Grady Ross
H. Grady Ross, Attorney

Filed June 14, 1965

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

CHRISTIE-STEWART, INC., a corporation, Plaintiff, vs.	)
WALTER B. PASCHALL, JR., and JOHN N. PASCHALL; The following named individuals, if living, or if deceased their unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, to-wit: MARY A. GALE, MARY MILLS, H. A. GASSAWAY, A. M. WHITESIDE, JANE WARD BOWER, J. M. HEALEY, J. O. WHITESIDE, H. GRADY ROSS, M. A. NYE, J. L. EMERICK, G. E. BEAN, MRS. PEARL BEAN, BESSIE D. KIKER, C. G. GALE and MAMIE K. JACKSON: and	) No. 29092) J 49-385
THE AMERICAN INVESTMENT COMPANY, a corporation, if in existence, or if dissolved, its unknown successors, trustees and assigns, Defendants.	)

JOURNAL ENTRY OF JUDGMENT

NOW on this 14 day of June, 1965, this cause came on to be heard, the Plaintiff, Christie-Stewart, Inc., appearing by and through its attorney, Geo. L. Verity of Brown,

Verity & Brown, the Defendants, Walter B. Paschall, Jr., John N. Paschall and H. Grady Ross, appearing by and through their attorney, H. Grady Ross, and the Cross-Defendants, R. W. Garrett and R. H. Vaughn, appearing by and through their attorney, R. H. Vaughn, and the Defendants, Mary A. Gale, Mary Mills, H. A. Gassaway, A. M. Whiteside, Jane Ward Bower, J. M. Healey, J. O. Whiteside, M A. Nye, J. L. Emerick, G. E. Bean, Mrs. Pearl Bean, Bessie D. Kiker, C. G. Gale, Mamie K. Jackson and The American Investment Company, a corporation, if in existence or, if dissolved, its unknown successors, trustees and assigns, came not but being wholly in default.

WHEREUPON, the Court examined the pleadings and records in said cause, heard the evidence of the parties and made the following findings of fact:

1. That service by publication was had on the following named Defendants, to-wit:

> Mary A. Gale, Mary Mills, H. A. Gassaway, A. M. Whiteside, Jane Ward Bower, J. M. Healey, J. O. Whiteside, M A. Nye, J. L. Emerick, G. E. Bean, Mrs. Pearl Bean, Bessie D. Kiker, C. G. Gale, Mamie K. Jackson and The American Investment Company;

that such publication service was authorized by the Statutes of the State of Oklahoma and that such service was, in all respects, sufficient, proper and regular, is approved by the Court, and the Court further finds that said Defendants are under the jurisdiction of the Court and are in default.

2. That this action involves title to the following described tract of land in Seminole County, Oklahoma, to-wit:

> The Southwest Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 7 East.

3. That the Plaintiff's Petition is hereby found to be true as against all of the above-named Defendants in default and that the Cross-Defendants, R. W. Garrett and R. H. Vaughn, own title in and to the above described tract of land free and clear of any claim of right, title and interest asserted by any of the above-named defaulting Defendants, subject, however, to the oil and gas lease given by said Cross-Defendants to the Plaintiff, Christie-Stewart, Inc., and that said Plaintiff owns such oil and gas lease and the oil and gas leasehold estate created thereby free of any claim of right, title and interest asserted by any of said defaulting Defendants; that the Defendants, Walter B. Paschall, Jr., and John N. Paschall, together assert title in and to an undivided 7/8ths mineral interest underlying the above-described lands and the Defendant, H. Grady Ross, asserts title in and to an undivided 1/16th mineral interest in and to the above-described lands contrary to the title asserted by the Cross-Defendants, R. W. Garrett and R. H. Vaughn, and the Court retains jurisdiction of this cause in order to determine title in and to the 15/16ths mineral interest that is in controversy by virtue of the conflicting claims of the said parties.

4. That the Plaintiff is entitled to judgment against the defaulting Defendants, and each of them, fully quieting its title in and to the oil and gas leasehold estate created by virtue of the oil and gas lease given by R. W. Garrett and R. H. Vaughn to the Plaintiff herein, Christie-Stewart, Inc.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That service by publication was had upon the above-named defaulting Defendants, and each of them, and that such publication service was authorized by the Statutes of the State of Oklahoma and was, in all respects, sufficient, proper and regular and is hereby approved by the Court; that such service gave this Court jurisdiction of the parties, that it has jurisdiction of the subject matter here in

controversy and adjudges said Defendants, and each of them, to be in default.

2. That the Plaintiff's title in and to the oil and gas lease from R. W. Garrett and R. H. Vaughn to the Plaintiff and described in Plaintiff's Petition covering the following described land in Seminole County, Oklahoma, to-wit:

> The Southwest Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 7 East,

and recorded in Book 1045, Page 218, is in all things perfect and that the above-named defaulting Defendants have no right, title, interest, lien, encumbrance or estate in and to the above-described lands contrary to the title of Plaintiff in and to said lease and the oil and gas leasehold estate thereby created and any and all cloud that might be on the title to said oil and gas lease and leasehold estate by virtue of any claim of right, title, interest, lien, encumbrance or estate made by any of said Defendants is hereby removed and held inferior and subject to the title of Plaintiff therein and said title is fully quieted in the Plaintiff.

3. That the above-named defaulting Defendants, and each of them, be and they are hereby forever enjoined and estopped from claiming or asserting any right, title, lien, estate, encumbrance, assessment, or interest in and to the above-described land contrary to the title of the Plaintiff as above described.

/s/ Bob Howell
DISTRICT JUDGE

APPROVED:

BROWN, VERITY & BROWN

/s/ By Geo. L. Verity
Geo. L. Verity

ATTORNEYS FOR PLAINTIFF

Filed June 14, 1965

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

[Title Omitted in Printing]

AMENDMENT TO ANSWER

COME NOW Zelda Danna Paschall, as Executrix of the Estate of Walter B. Paschall, Jr., deceased, and as sole devisee under the Will of such decedent, and Mary Louise Green Paschall, as Executrix of the Estate of John N. Paschall, deceased, and Mary Louise Green Paschall, Jan Paschal Harden, and John N. Paschall, Jr., as sole devisees under the Will of John N. Paschall, deceased, and H. Grady Ross, and for further Answer to plaintiff's petition filed herein and supplemental to the original Answers by such decedents and H. Grady Ross, allege and state as follows:

1. These answering defendants, other than H. Grady Ross, have succeeded to the interests of Walter B. Paschall, Jr. and John N. Paschall both of whom are now deceased and whose estates are now pending in the District Court of Oklahoma County, Oklahoma. Accordingly such answering defendants other than H. Grady Ross request that they be substituted as parties defendants in the place of the original defendants, Walter B. Paschall, Jr. and John N. Paschall, respectively.

2. None of these answering defendants or their predecessors in interest were notified of the tax sale proceedings under which R. W. Garrett and R. H. Vaughn now claim the rights vested in these answering defendants, either actually or constructively, and such failure of notification was in direct contravention of the applicable statutory requirements for valid tax sales of real estate in the State of Oklahoma. Furthermore, any purported constructive notice that may have been attempted for the purposes of notifying these answering defendants of such alleged tax sale was

insufficient to give actual or constructive notice to them under the applicable statutes and under the requirements of the Oklahoma and United States Constitutions for due process of law. Neither these answering defendants, or any of them, or any of their respective predecessors in interest were on actual notice or had any knowledge of the purported tax sale proceedings before or while such proceedings were being conducted or thereafter until notification at the time an oil and gas lease was purchased from them by plaintiff.

3. Plaintiff, Christie-Stewart, Inc., holds a valid oil and gas lease covering the interest of these answering defendants as well as the purported oil and gas lease executed in its favor by R. W. Garrett and R. H. Vaughn and their respective wives, under date of November 6, 1963, attached to the Amendment to Petition filed herein by Christie-Stewart, Inc.

WHEREFORE these answering defendants pray for judgment of the court that:

(a) The purported tax sale proceedings which resulted in the County Treasurers Resale Tax Deed of May 17, 1956, issued to R. W. Garrett and R. H. Vaughn was ineffective to terminate the interest in the oil, gas, and other minerals owned by these answering defendants or to transfer such rights to R. W. Garrett and R. H. Vaughn; and

(b) Quieting the title of these answering defendants to such oil, gas and mineral rights as against all claims by the parties to this action except the rights of Christie-

Stewart, Inc. under its oil and gas lease covering the interests of these answering defendants.

ANDREWS, MOSBURG, DAVIS, ELAM, LEGG & KORNFELD

/s/ By William J. Legg

Attorneys for defendants
Mary Louise Green Paschall individually and as Executrix of the Estate of John N. Paschall, deceased, and Jan Paschal Harden, John N. Paschall, Jr. and H. Grady Ross

1800 United Founders Tower
Oklahoma City, Oklahoma 73112
HIGHLEY AND HIGHLEY

/s/ By Jack Highley
Jack Highley

Attorneys for defendant
Zelda Danna Paschall, individually and as Executrix of the Estate of Walter B. Paschall, Jr., deceased

Hightower Building
Oklahoma City, Oklahoma

[Certificate of Mailing Omitted in Printing]

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

CHRISTIE-STEWART, INC., a corporation, Plaintiff	)	
vs.	)	No. 29,092
WALTER B. PASCHALL, JR., et al, Defendants	)	
R. W. GARRETT AND R. H. VAUGHN, Cross-Defendants	)	

JOURNAL ENTRY OF JUDGMENT

(The full text of this document is shown as Appendix B in the Jurisdictional Statement filed herein, at Page xv thereof.)

THE COURT OF APPEALS, DIVISION 2
STATE OF OKLAHOMA

MARY LOUISE GREEN PASCHALL, et al, Plaintiffs in Error,	)	
vs.	)	No. 43,907
R. H. VAUGHN AND R. W. GARRETT, Defendants in Error.	)	

APPEAL FROM THE DISTRICT COURT OF
SEMINOLE COUNTY, OKLAHOMA

(The full text of this document is shown as part of Appendix A in the Jurisdictional Statement filed herein, at Page vii thereof.)

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

CHRISTIE-STEWART, INC., a corporation, Plaintiff,	)	
vs.	)	No. 43,907
WALTER B. PASCHALL, JR., et al, Defendants,	)	
R. W. GARRETT AND R. H. VAUGHN, Cross-Defendants.	)	

CERTIORARI TO THE COURT OF APPEALS,
DIVISION NO. 2

(The full text of this document is shown as part of Appendix A in the Jurisdictional Statement filed herein, at Page i thereof.)

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

CHRISTIE-STEWART, INC., a corporation, Plaintiff,	)	
vs.	)	No. 43,907
WALTER B. PASCHALL, JR., et al, Defendants,	)	
R. W. GARRETT AND R. H. VAUGHN, Cross-Defendants.	)	

NOTICE OF APPEAL TO THE
SUPREME COURT OF THE UNITED STATES

(The full text of this document is shown at Appendix C in the Jurisdictional Statement filed herein, at Page xx thereof.)